

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS FULLER #211080,

Petitioner,

Case No. 1:12CV861

v.

Hon. Robert J. Jonker

CRAIG SHERVE, et al.,

Respondent.

ORDER
APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on February 5, 2014. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

Based on this record, the Court concludes that plaintiff is subject to the three strikes rule. In addition, plaintiff's allegations do not fall within the exception to the three strikes rule because he does not allege any facts establishing that he is under imminent danger of serious physical injury. In light of the foregoing, § 1915(g) prohibits plaintiff from proceeding *in forma pauperis* in this action. Accordingly,

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed February 5, 2014, is approved and adopted as the opinion of the court.

IT IS ORDERED that defendants' motions to revoke plaintiff's *in forma pauperis* status (docket ## 24, 35) are **GRANTED**.

IT IS ORDERED that plaintiff pay the entire civil filing fee of \$350.00 within fourteen (14) days. Defendants' motions to dismiss (docket ##24, 35) will be held in ABEYANCE pending the filing fee payment by plaintiff. Failure by plaintiff to submit the filing fee may result in dismissal of this matter.

ated: April 4, 2014

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE